

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

CHARLENE MICHELLE TURNER and	)	
CHRISTINA TURNER COOK,	)	
	)	Civil Action No. 4:22-cv-3030-RBH
Plaintiffs,	)	
	)	
-vs-	)	<b><u>COMPLAINT</u></b>
	)	(Tort-Automobile Accident)
EPES TRANSPORT SYSTEMS, LLC, and	)	(Jury Trial Requested)
ANDREW ALAN MCKINNEY,	)	
	)	
Defendants.	)	
_____	)	

TO: THE ABOVE-NAMED DEFENDANTS AND DEFENDANTS' ATTORNEY(S):

The Plaintiffs above named complaining of the Defendants herein says as follows:

1. That the substantial negligent acts and omissions alleged herein occurred in Dillon County, State of South Carolina.
2. That the amount in controversy exceeds \$75,000.00.
3. That the Plaintiffs are residents of the State of South Carolina, residing in Loris in the Horry County, State of South Carolina while the Defendants are residents of the State of North Carolina. Jurisdiction is proper before this Court because of diversity of citizenship of the parties and damages in excess of \$75,000.00.
4. That on or about May 15, 2020, at approximately 11:09 a.m. near the Town of Latta, South Carolina, in Dillon County, Plaintiff Charlene Michelle Turner was operating a black 2019 Ford cargo van with her sister and passenger Christy Turner Cook riding in the front passenger seat headed West on SC 38 approaching the Pilot Travel Center in lane 2 out of 6 lanes.

5. That on or about the above place, date and time, Defendant Andrew Alan McKinney was operating an 18-wheeler owned by Defendant EPES Transport System, LLC, while employed by Defendant EPES Transport System, LLC, headed South out of the frontage road adjacent to the Pilot Travel Center.

6. That Defendant Andrew Alan McKinney was negligent, grossly negligent, negligent *per se*, and reckless in failing to exercise due care, failing to keep a proper lookout, making an unlawful and unsafe turn, failing to yield the right of way to Plaintiff, distracted driving, fatigued driving, failure to follow federal motor carrier safety regulations, failure to properly maintain his vehicle, and making an unlawful start from stop, all acts and omissions proximately causing the aforementioned crash directly into the passenger side door of Plaintiff's van and severely injuring both Plaintiffs.

7. That Defendant EPES Transport System, LLC, is responsible for the acts and omissions of Defendant Andrew Alan McKinney through agency, master/servant, *respondeat superior*.

8. That Defendant EPES Transport System, LLC, is responsible for the acts and omissions of Defendant Andrew Alan McKinney through agency, master/servant, *respondeat superior*.

9. That Plaintiffs seek actual and punitive damages from both Defendants for the above-described breaches of duties owed by the Defendants to the Plaintiffs.

WHEREFORE, Plaintiffs prays for judgment against Defendants on claims of negligence, gross negligence, carelessness, recklessness, negligence *per se*, and willfulness in such sum of actual and punitive damages, jointly and severally, that a trier of fact may determine together with such other relief this Court may deem just and proper.

GEORGE SINK, P.A. INJURY LAWYERS

s/Robert E. Treacy, Jr.

Robert E. Treacy, Jr.

SC Bar#12102 and US District Court Bar #07458

Attorney for the Plaintiffs

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North Charleston, SC  
September 8, 2022